

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 20 and 28 are currently being amended.

Claims 1-28 are rejected under 35 U.S.C. § 102(a) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Hampton Bay ( A1 PTO/SB/08 filed 11/8/2005).

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-28 are now pending in this application.

On page 2, paragraph 2 of the Office Action, the examiner has rejected claims 1-28 under 35 U.S.C. § 102(a) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a), it is obvious over Hampton Bay owners manual (A1 PTO/SA/08 filed 11/8/2005).

The examiner states that “Hampton Bay discloses an evaporative cooler. Referring to the figures, the cooler comprises a housing 1 with front panel, back panel, side panels, rigid media 9 located to the side panels, a water distribution system 19, reservoir, and centrifugal blower 2 for drawing air through the rigid media. The figure on page 1 shows the width is less than half the length between the distance defined by the right and left sides. Figure on page 5 shows the blower partially extended beyond one of the back panel.”

**Independent Claim 1**

Claim 1 is in independent form. Independent claim 1 (as amended) recites a “low profile evaporative cooler” comprising, in combination with other elements, “at least an arcuate portion of the centrifugal blower being located partially in the region between the front panel and the rear panel, and partially extending beyond the rear panel distal the front panel”.

Hamilton Bay does not identically disclose a “low profile evaporative cooler” comprising, among other elements, “at least an arcuate portion of the centrifugal blower being located partially within the region between the front panel and rear panel, and partially extending beyond the rear panel distal the front panel” as recited in independent claim 1 (as amended). The rejection of claim 1 over Hamilton Bay is improper.

As best understood, Hamilton Bay discloses in the figure on page 5 that the blower 2, blower wheel 13 and motor 12 logically is housed in the cabinet 1. There is no indication that the blower 2 has an arcuate portion extending beyond the rear wall of the cabinet 1 as required in the present application.

In contrast to Hamilton Bay, the present application discloses and claims that at least an arcuate portion of the centrifugal blower is partially located in the region between the front panel and rear panel and partially extending beyond the rear panel distal the front panel. Support for the amendment to the claim can be found at least in paragraph 0045 and 0050 and Figures 3, 7, and 8 of the specification as originally filed. Particularly, figure 7 which shows an arcuate portion of each of the blowers 186 and 187 extending beyond the rear wall of the evaporative cooler housing and into the building wall. There is nothing in the Hamilton Bay disclosure to suggest or teach that “at least an arcuate portion” of the blower extends beyond the rear wall of the evaporative cooler housing as disclosed and claimed in the present application.

Further, the Applicants submit that Hamilton Bay requires a media filter 8 at the front of the evaporative cooler housing, see the figure on page 5. The Applicants submit that the present application does not require a front panel media filter as required by Hamilton Bay.

The Applicants submit that Hamilton Bay disclosure does not suggest or teach that the media filter is rigid as disclosed and claimed in the present application. The figures on page 4 and on page 5 of Hamilton Bay each show the media filter requiring a pad retainer (item V on page 4, and items 11 and 10 on page 5 of Hamilton Bay). The requirement of a pad retainer indicates that the filter media is not rigid and requires an additional member to hold it in place. In contrast, what is disclosed and claimed in the present application is ridged media and only on the left and right sides of the evaporative cooler housing as illustrated in the figures of the present application.

Therefore, the Applicants submit that independent claim 1, (as amended) and claims 2-19 which depend either directly or indirectly from independent claim 1 (as amended) are patentable over the Hamilton Bay under either 35 U.S.C. § 102 or § 103. The Applicants respectfully request withdrawal of the rejection of claims 1-19 under 35 U.S.C. § 102 or § 103.

#### **Independent Claim 20**

Claim 20 is in independent form. Independent claim 20 (as amended) recites a “low profile evaporative cooler” comprising, in combination with other elements, “an arcuate portion of each of blower extending beyond the rear panel...into the wall between the standard spaced studs”.

Hamilton Bay does not identically disclose a “low profile evaporative cooler” comprising, among other elements, “an arcuate portion of the blower extending beyond the rear panel... into the wall between the standard spaced studs” as recited in independent claim 20 (as amended). The rejection of claim 20 over Hamilton Bay is improper.

As best understood, Hamilton Bay discloses in the figure on page 5 that the blower 2, blower wheel 13 and motor 12 logically is housed in the cabinet 1. There is no indication that the blower 2 has an arcuate portion extending beyond the rear wall of the cabinet 1 as required in the present application.

In contrast to Hamilton Bay, the present application discloses and claims that at least an arcuate portion of the centrifugal blower is partially located in the region between the front panel and rear panel and partially extending beyond the rear panel distal the front panel. Support for the amendment to the claim can be found at least in paragraph 0045 and 0050 and Figures 3, 7, and 8 of the specification as originally filed. Particularly, figure 7 which shows an arcuate portion of each of the blowers 186 and 187 extending beyond the rear wall of the evaporative cooler housing and into the building wall. There is nothing in the Hamilton Bay disclosure to suggest or teach that “an arcuate portion” of the blower extends beyond the rear wall of the evaporative cooler housing as disclosed and claimed in the present application.

Further, the Applicants submit that Hamilton Bay requires a media filter 8 at the front of the evaporative cooler housing, see the figure on page 5. The Applicants submit that the present application does not require a front panel media filter as required by Hamilton Bay.

The Applicants submit that Hamilton Bay disclosure does not suggest or teach that the media filter is rigid as disclosed and claimed in the present application. The figures on page 4 and on page 5 of Hamilton Bay each show the media filter requiring a pad retainer (item V on page 4, and items 11 and 10 on page 5 of Hamilton Bay). The requirement of a pad retainer indicates that the filter media is not rigid and requires an additional member to hold it in place. In contrast, what is disclosed and claimed in the present application is ridged media and only on the left and right sides of the evaporative cooler housing as illustrated in the figures of the present application.

Therefore, the Applicants submit that independent claim 20, (as amended) and claims 21-27 which depend either directly or indirectly from independent claim 20 (as amended) are patentable over the Hamilton Bay under either 35 U.S.C. § 102 or § 103. The Applicants respectfully request withdrawal of the rejection of claims 20-27 under 35 U.S.C. § 102 or § 103.

**Independent claim 28**

Claim 28 is in independent form. Independent claim 28 (as amended) recites an “evaporative cooler” comprising, in combination with other elements, “a pair of rigid media only located approximate the first and second sides respectively” and “an arcuate portion of the centrifugal blower extending beyond the rear panel distal the front panel”.

Hamilton Bay does not identically disclose “an evaporative cooler” comprising, among other elements, “a pair of rigid media only located approximate the first and second sides respectively” and “an arcuate portion of the centrifugal blower extending beyond the rear panel distal the front panel” as recited in independent claim 28 (as amended). The rejection of claim 28 over Hamilton Bay is improper.

As best understood, Hamilton Bay discloses in the figure on page 5 that the blower 2, blower wheel 13 and motor 12 logically is housed in the cabinet 1. There is no indication that the blower 2 has an arcuate portion extending beyond the rear wall of the cabinet 1 as required in the present application.

In contrast to Hamilton Bay, the present application discloses and claims that at least an arcuate portion of the centrifugal blower is partially located in the region between the front panel and rear panel and partially extending beyond the rear panel distal the front panel. Support for the amendment to the claim can be found at least in paragraph 0045 and 0050 and Figures 3, 7, and 8 of the specification as originally filed. Particularly, figure 7 which shows an arcuate portion of each of the blowers 186 and 187 extending beyond the rear wall of the evaporative cooler housing and into the building wall. There is nothing in the Hamilton Bay disclosure to suggest or teach that “an arcuate portion” of the blower extends beyond the rear wall of the evaporative cooler housing as disclosed and claimed in the present application.

Further, the Applicants submit that Hamilton Bay requires a media filter 8 at the front of the evaporative cooler housing, see the figure on page 5. The Applicants submit that the present application does not require a front panel media filter as required by Hamilton Bay, but only includes two side rigid media.

The Applicants submit that Hamilton Bay disclosure does not suggest or teach that the media filter is rigid as disclosed and claimed in the present application. The figures on page 4 and on page 5 of Hamilton Bay each show the media filter requiring a pad retainer (item V on page 4, and items 11 and 10 on page 5 of Hamilton Bay). The requirement of a pad retainer indicates that the filter media is not rigid and requires an additional member to hold it in place. In contrast, what is disclosed and claimed in the present application is ridged media and only on the left and right sides of the evaporative cooler housing as illustrated in the figures of the present application.

Therefore, the Applicants submit that independent claim 28, (as amended) is patentable over the Hamilton Bay under either 35 U.S.C. § 102 or § 103. The Applicants respectfully request withdrawal of the rejection of claims 28 under 35 U.S.C. § 102 or § 103.

The Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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